

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

GARLIN RAY BANEY,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

No. 07-03057-01-CR-S-DW

ORDER

Before the Court is Magistrate Judge James C. England's Report and Recommendation denying Defendant's Motion to Suppress Evidence. Defendant filed objections to the Report and Recommendation.

After an independent review of the record, applicable law and the parties' arguments, the Court adopts the Magistrate's findings of fact and conclusions of law. Further, the Court finds that Defendant voluntarily, knowingly and intelligently waived his Miranda rights and his subsequent statements can thus be admitted. See United States v. Jimenez, 478 F.3d 929, 933 (8th Cir. 2007). Accordingly, the Court orders that the Magistrate's Report and Recommendation be attached to and made part of this Order, and denies Defendant's Motion to Suppress.

Date: March 11, 2008

/s/ Dean Whipple
Dean Whipple
United States District Judge